



MIKE PENCE, *Governor*  
JAMAL L. SMITH, *Executive Director*

ICRC No.: EMra12101521

[REDACTED]

Complainant,

v.

SEVA,

Respondent.

### NOTICE OF FINDING

The Deputy Director of the Indiana Civil Rights Commission ("Commission"), pursuant to statutory authority and procedural regulations, hereby issues the following findings with respect to the above-referenced case. Probable cause exists to believe that an unlawful discriminatory practice has occurred in this instance. 910 IAC 1-3-2(b).

On October 20, 2012, [REDACTED] ("Complainant") filed a Complaint with the Commission against SEVA ("Respondent") alleging discrimination on the basis of race (African-American) in violation of the Indiana Civil Rights Law (Ind. Code § 22-9, *et. seq.* [REDACTED])

Accordingly, the Commission has jurisdiction over the parties and the subject matter of this Complaint.

An investigation has been completed. Both parties have had an opportunity to submit evidence. Based on the final investigative report and a review of the relevant files and records, the Deputy Director now finds the following:

The issue before the Commission is whether Complainant faced an adverse employment action due to her race. In order to prevail, Complainant must show that: (1) she is a member of a protected class; (2) she suffered an adverse employment action; (3) she was meeting Respondent's legitimate business expectations; and (4) similarly-situated employees of a different race were treated more favorably.

Complainant is clearly a member of a protected class by virtue of her race. While Respondent alleges that Complainant resigned, the evidence supports Complainant's claim that she terminated on October 13, 2012. The evidence shows that Complainant was asked to return Respondent's property after discovering that she had obtained another job; Respondent, however, alleges that she resigned, although there is no documentation to support this claim. Further, Respondent does not dispute that



Complainant performed her job duties satisfactorily during her employment tenure. However, during Complainant's tenure with Respondent, Respondent continuously denied Complainant's repeated requests to be trained in eye-brow threading while allowing inexperienced employees of Indian descent to receive such training. While Respondent contends it did not want Complainant training on clients due to her inexperience in eyebrow threading, Respondent allowed, and witness testimony corroborates, that Respondent allowed inexperienced employees of Indian descent to train on customers. Further, a former trainer for Respondent indicated that Respondent directed her to train newly hired employees of Indian descent in eyebrow threading although they lacked experience in the field, but never asked her to train Complainant. Moreover, the former trainer heard Respondent refuse Complainant's requests to be trained in eyebrow threading. Thus, based upon the above-findings, probable cause exists to believe that an unlawful discriminatory practice occurred.

A public hearing is necessary to determine whether a violation of the Indiana Civil Rights Law occurred as alleged herein. Ind. Code § 22-9-1-18, 910 IAC 1-3-5 The parties may agree to have these claims heard in the circuit or superior court in the county in which the alleged discriminatory act occurred. However, both parties must agree to such an election and notify the Commission within twenty (20) days of receipt of this Notice, or the Commission's Administrative Law Judge will hear this matter. Ind. Code § 22-9-1-16, 910 IAC 1-3-6

May 7, 2013

Date

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Akia A. Haynes, Esq.,  
Deputy Director  
Indiana Civil Rights Commission